

1 [Medical Cannabis Dispensary Permits.]

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3 **Ordinance amending Section 3308 of the San Francisco Health Code to include the**
4 **installation of platform lifts under the minimum disability access standards for Medical**
5 **Cannabis Dispensaries.**

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough-normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Health Code is hereby amended to read as follows:

11 **SEC. 3308. OPERATING REQUIREMENTS FOR MEDICAL CANNABIS**

12 **DISPENSARY.**

13 (a) Medical cannabis dispensaries shall meet all the operating criteria for the
14 dispensing of medical cannabis as is required pursuant to California Health and Safety Code
15 Section 11362.7 et seq., by this Article, and by the Director's administrative regulations for the
16 permitting and operation of medical cannabis dispensaries.

17 (b) Medical cannabis dispensaries shall be operated only as collectives or
18 cooperatives in accordance with California Health and Safety Code Section 11362.7 et seq.
19 All patients or caregivers served by a medical cannabis dispensary shall be members of that
20 medical cannabis dispensary's collective or cooperative.

21 (c) The medical cannabis dispensary shall receive only compensation for actual
22 expenses, including reasonable compensation incurred for services provided to qualified
23 patients or primary caregivers to enable that person to use or transport cannabis pursuant to
24 California Health and Safety Code Section 11362.7 et seq., or for payment for out-of-pocket
25 expenses incurred in providing those services, or both. Sale of medical cannabis for

1 excessive profits is explicitly prohibited. Once a year, commencing in March 2008, each
2 medical cannabis dispensary shall provide to the Department a written statement by the
3 dispensary's permittee made under penalty of perjury attesting to the dispensary's compliance
4 with this paragraph.

5 (d) Medical cannabis dispensaries shall sell or distribute only cannabis manufactured
6 and processed in the State of California that has not left the State before arriving at the
7 medical cannabis dispensary.

8 (e) It is unlawful for any person or association operating a medical cannabis
9 dispensary under the provisions of this Article to permit any breach of peace therein or any
10 disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct, or
11 otherwise, or to permit such dispensary to remain open, or patrons to remain upon the
12 premises, between the hours of 10 p.m. and 8 a.m. the next day. However, the Department
13 shall issue permits to two medical cannabis dispensaries permitting them to remain open 24
14 hours per day. These medical cannabis dispensaries shall be located in order to provide
15 services to the population most in need of 24 hour access to medical cannabis. These
16 medical cannabis dispensaries shall be located at least one mile from each other and shall be
17 accessible by late night public transportation services. However, in no event shall a medical
18 cannabis dispensary located in a Small-Scale Neighborhood Commercial District, a Moderate
19 Scale Neighborhood Commercial District, or a Neighborhood Commercial Shopping Center
20 District as defined in Sections 711, 712 and 713 of the Planning Code, be one of the two
21 medical cannabis dispensaries permitted to remain open 24 hours per day.

22 (f) Medical cannabis dispensaries may not dispense more than one ounce of dried
23 cannabis per qualified patient to a qualified patient or primary caregiver per visit to the medical
24 cannabis dispensary. Medical cannabis dispensaries may not maintain more than ninety-nine
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1 (99) cannabis plants in up to 100 square feet of total garden canopy measured by the
2 combined vegetative growth area. Medical cannabis dispensaries shall use medical cannabis
3 identification card numbers to ensure compliance with this provision. If a qualified patient or a
4 primary caregiver has a doctor's recommendation that this quantity does not meet the
5 qualified patient's medical needs, the qualified patient or the primary caregiver may possess
6 and the medical cannabis dispensary may dispense an amount of dried cannabis and
7 maintain a number cannabis plants consistent with those needs. Only the dried mature
8 processed flowers of female cannabis plant or the plant conversion shall be considered when
9 determining allowable quantities of cannabis under this Section.

10 (g) No medical cannabis shall be smoked, ingested or otherwise consumed in the
11 public right-of-way within fifty (50) feet of a medical cannabis dispensary. Any person violating
12 this provision shall be deemed guilty of an infraction and upon the conviction thereof shall be
13 punished by a fine of \$100. Medical cannabis dispensaries shall post a sign near their
14 entrances and exits providing notice of this policy.

15 (h) Any cultivation of medical cannabis on the premises of a medical cannabis
16 dispensary must be conducted indoors.

17 (i) All sales and dispensing of medical cannabis shall be conducted on the premises
18 of the medical cannabis dispensary. However, delivery of cannabis to qualified patients with
19 valid identification cards or a verifiable, written recommendation from a physician for medical
20 cannabis and primary caregivers with a valid identification card outside the premises of the
21 medical cannabis dispensary is permitted if the person delivering the cannabis is a qualified
22 patient with a valid identification card or a verifiable, written recommendation from a physician
23 for medical cannabis or a primary caregiver with a valid identification card who is a member of
24 the medical cannabis dispensary.

1 (j) The medical cannabis dispensary shall not hold or maintain a license from the
2 State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a
3 business that sells alcoholic beverages. Nor shall alcoholic beverages be consumed on the
4 premises or on in the public right-of-way within fifty feet of a medical cannabis dispensary.

5 (k) In order to protect confidentiality, the medical cannabis dispensary shall maintain
6 records of all qualified patients with a valid identification card and primary caregivers with a
7 valid identification card using only the identification card number issued by the State or City
8 pursuant to California Health and Safety Code Section 11362.7 et seq. and City Health Code
9 Article 28.

10 (l) The medical cannabis dispensary shall provide litter removal services twice each
11 day of operation on and in front of the premises and, if necessary, on public sidewalks within
12 hundred (100) feet of the premises.

13 (m) The medical cannabis dispensary shall provide and maintain adequate security on
14 the premises, including lighting and alarms reasonably designed to ensure the safety of
15 persons and to protect the premises from theft.

16 (n) Signage for the medical cannabis dispensary shall be limited to one wall sign not
17 to exceed ten square feet in area, and one identifying sign not to exceed two square feet in
18 area; such signs shall not be directly illuminated. Any wall sign, or the identifying sign if the
19 medical cannabis dispensary has no exterior wall sign, shall include the following language:
20 "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable,
21 written recommendation from a physician for medical cannabis may obtain cannabis from
22 medical cannabis dispensaries." The required text shall be a minimum of 2 inches in height.
23 This requirement shall remain in effect so long as the system for distributing or assigning
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1 medical cannabis identification cards preserves the anonymity of the qualified patient or
2 primary caregiver.

3 (o) All print and electronic advertisements for medical cannabis dispensaries,
4 including but not limited to flyers, general advertising signs, and newspaper and magazine
5 advertisements, shall include the following language: "Only individuals with legally recognized
6 Medical Cannabis Identification Cards or a verifiable, written recommendation from a
7 physician for medical cannabis may obtain cannabis from medical cannabis dispensaries."
8 The required text shall be a minimum of two inches in height except in the case of general
9 advertising signs where it shall be a minimum of six inches in height. Oral advertisements for
10 medical cannabis dispensaries, including but not limited to radio and television
11 advertisements shall include the same language. This requirement shall remain in effect so
12 long as the system for distributing or assigning medical cannabis identification cards
13 preserves the anonymity of the qualified patient or primary carver.

14 (p) The medical cannabis dispensary shall provide the Director and all neighbors
15 located within 50 feet of the establishment with the name phone number and facsimile number
16 of an on-site community relations staff person to whom one can provide notice if there are
17 operating problems associated with the establishment. The medical cannabis dispensary shall
18 make every good faith effort to encourage neighbors to call this person to try to solve
19 operating problems, if any, before any calls or complaints are made to the Police Department
20 or other City officials.

21 (q) Medical cannabis dispensaries may sell or distribute cannabis only to members of
22 the medical cannabis dispensary's' collective or cooperative.

23 (r) Medical cannabis dispensaries may sell or distribute cannabis only to those
24 members with a medical cannabis identification card or a verifiable, written recommendation
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1 from a physician for medical cannabis. This requirement shall remain in effect so long as the
2 system for distributing or assigning medical cannabis identification cards preserves the
3 anonymity of the qualified patient or primary caregiver.

4 (s) It shall be unlawful for any medical cannabis dispensary to employ any person who
5 is not at least 18 years of age.

6 (t) It shall be unlawful for any medical cannabis dispensary to allow any person who is
7 not at least 18 years of age on the premises during hours of operation unless that person is a
8 qualified patient with a valid identification card or primary caregiver with a valid identification
9 card or a verifiable, written recommendation from a physician for medical cannabis.

10 (u) Medical cannabis dispensaries that display or sell drug paraphernalia must do so
11 in compliance with California Health and Safety Code §§ 11364.5 and 11364.7.

12 (v) Medical cannabis dispensaries shall maintain all scales and weighing mechanisms
13 on the premises in good working order. Scales and weighing mechanisms used by medical
14 cannabis dispensaries are subject to inspection and certification by the Director.

15 (w) Medical cannabis dispensaries that prepare, dispense or sell food must comply
16 with and are subject to the provisions of all relevant State and local laws regarding the
17 preparation, distribution and sale of food.

18 (x) The medical cannabis dispensary shall meet any specific, additional operating
19 procedures and measures as may be imposed as conditions of approval by the Director in
20 order to insure that the operation of the medical cannabis dispensary is consistent with the
21 protection of the health, safety and welfare of the community, qualified patients and primary
22 caregivers, and will not adversely affect surrounding uses.

23 (y) Medical cannabis dispensaries shall be accessible as required under the California
24 Building Code. Notwithstanding the foregoing, if a medical cannabis dispensary cannot show
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1 that it will be able to meet the disabled access standard for new construction, it shall meet the
2 following minimum standards:

3 (1) An accessible entrance;

4 (2) Any ground floor service area must be accessible, including an accessible
5 reception counter and access aisle to the employee workspace behind; and,

6 (3) An accessible bathroom, with a toilet and sink, if a bathroom is provided, except
7 where an unreasonable hardship exemption is granted.

8 (4) A "limited use/limited access" (LULA) elevator that complies with ASME A17.1
9 Part XXV, ~~or~~ an Article 15 elevator may be used on any accessible path of travel. A ~~or-vertical~~
10 or inclined platform lift may be used if an elevator is not feasible and the ramp would require
11 more than thirty percent (30%) of the available floor space on any accessible path of travel,
12 ~~but vertical or inclined platform lifts may not.~~


13 (5) Any medical cannabis dispensary that distributes medical cannabis solely through
14 delivery to qualified patients or primary caregivers and does not engage in on-site distribution
15 or sales of medical cannabis shall be exempt from the requirements of this subsection
16 3308(y).

17 (z) Any medical cannabis dispensary in a building that began the Landmark Initiation
18 process (as codified by Article 10 of the San Francisco Planning Code) by August 13, 2007 is
19 exempt from the requirements set forth in section 3308(y) of this legislation until September 1,
20 2008.

1 (aa) Prior to submission of a building permit application, the applicant shall submit its
2 application to the Mayor's Office on Disability. The Mayor's Office on Disability shall review
3 the application for access compliance and forward recommendations to the Department of
4 Building Inspection.

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6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By:


9 Terence Howzell
10 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 081230

Date Passed:

Ordinance amending Section 3308 of the San Francisco Health Code to include the installation of platform lifts under the minimum disability access standards for Medical Cannabis Dispensaries.

December 9, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

December 9, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

December 16, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081230

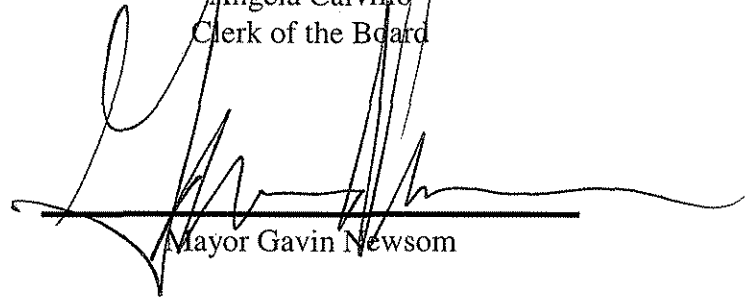
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on December 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

12/19/2008

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom